

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

| | | |
|------------------------|---|---------------------------|
| GREGORY DUANE BAYLESS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 2:19-cv-00467-JPH-MJD |
| |) | |
| STATE OF INDIANA, |) | |
| DECATUR COUNTY JAIL, |) | |
| |) | |
| Defendants. |) | |

ORDER ON MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Gregory Duane Bayless's motion for leave to proceed *in forma pauperis*, dkt. [7], is **granted**. Because the Court finds that Mr. Bayless does not have the assets or means to pay even an initial partial filing fee, prepayment of the fee is excused. Because the Prison Litigation Reform Act mandates that a prisoner will not be prohibited from bringing a civil action for the reason that he lacks the assets and means to pay an initial partial filing fee, 28 U.S.C. § 1915(b)(4), Mr. Bayless has been granted a waiver of payment of an initial partial filing fee. He is still obligated, however, to pay the full filing fee pursuant to the statutory formula set forth in 28 U.S.C. § 1915(b)(2). *See id.* § 1915(b)(1). "All [28 U.S.C.] § 1915 has ever done is excuse *pre*-payment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible." *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996).

The amended complaint will be screened by separate order.

SO ORDERED.

Date: 11/8/2019



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

Gregory Duane Bayless

242464

Wabash Valley Correctional Facility - Inmate Mail/Parcels

Electronic Service Participant – Court Only